

REQUIRING PROTECTION, MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

SEPTEMBER 15, 1971.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BARING, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 9890]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 9890) to require the protection, management, and control of wild free-roaming horses and burros on public lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 9890, and companion bills, is to provide for the protection, management, and control of wild free-roaming horses and burros on public lands. The bill designates the Secretaries of Interior and Agriculture as the Federal officials responsible for carrying out the provisions of the bill.

H.R. 9890 was introduced by Mr. Baring (for himself, Mr. Saylor, Mr. Edmondson, Mr. Haley, Mr. Johnson of California, Mr. Taylor, Mr. Udall, Mr. Kyl, Mr. Burton, Mr. Steiger of Arizona, Mr. Kastemeier, Mr. Don H. Clausen, Mr. O'Hara, Mr. Ruppe, Mr. Kee, Mr. Dellenback, Mr. Roncalio, Mr. Begich, Mr. Abourezk, Mr. Foley, Mr. Skubitz, Mr. Ryan, Mr. McClure, Mrs. Mink, and Mr. Meeds). This is a clean bill which incorporates all committee amendments to H.R. 5375, the bill marked up by the committee. In addition to H.R. 9890, the following identical bills were subsequently introduced: H.R. 9904 by Mr. Baring (for himself, Mr. McKeivitt, Mr. Kazen, Mr. Terry, Mr. Burlison of Missouri, Mr. Vigorito, Mr. Stephens, Mr. Córdova, Mr. Gude, and Mr. Wolff); H.R. 10015 by Mr. Baring (for himself, Mr. Hogan, Mr. Anderson of Illinois, Mr. Aspin, Mr. Alexander, Mr. Bell, Mr. Biester, Mr. Blackburn, Mr. Brown of Michigan, Mr.

Buchanan, Mr. Badillo, Mr. Boland, Mr. Biaggi, Mr. Broyhill of North Carolina, Mr. Broomfield, Mr. Collins of Texas, Mr. Conte, Mr. Coughlin, Mr. Caffery, Mr. Collier, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Esch, and Mr. Findley); H.R. 10016 by Mr. Baring (for himself, Mr. McKay, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Moorhead, Mr. Michel, Mr. Nix, Mr. Obey, Mr. O'Konski, Mr. Pepper, Mr. Patman, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Seiberling, Mr. Steele, Mr. Symington, Mr. St Germain, Mr. Tiernan, Mr. Thomson of Wisconsin, and Mr. Vander Jagt); H.R. 10017 by Mr. Baring (for himself, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. William D. Ford, Mr. Fascell, Mrs. Grasso, Mr. Gibbons, Mr. Gubser, Mr. Gallagher, Mr. Griffin, Mr. Hansen of Idaho, Mr. Harrington, Mr. Howard, Mr. Horton, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Jacobs, Mr. Keith, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. McEwen, and Mr. McKinney); H.R. 10018 by Mr. Baring (for himself, Mr. Williams, Mr. Whalen, Mr. Whitehurst, Mr. Wiggins, Mr. Young of Florida, and Mr. Yatron); and H.R. 10062 by Mr. Baring (for himself, Mr. Long of Maryland, Mr. Thompson of Georgia, Mr. McClory, and Mr. Halpern).

In addition to H.R. 5375, introduced by Mr. Baring (for himself, Mr. Saylor, Mr. Edmondson, Mr. Haley, Mr. Johnson of California, and Mr. Taylor), other related bills considered by the committee were: H.R. 795, introduced by Mr. Gude; H.R. 3567, introduced by Mr. Halpern; H.R. 4220, introduced by Mr. Gude (for himself, Mr. Anderson of Illinois, Mr. Ashley, Mr. Aspin, Mr. Bell, Mr. Biester, Mr. Blackburn, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collins of Texas, Mr. Conte, Mr. Coughlin, Mr. Danielson, Mr. Edwards of California, Mr. Esch, Mr. Findley, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, and Mrs. Grasso); H.R. 4221, introduced by Mr. Gude (for himself, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. Horton, Mr. Hosmer, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Lent, Mr. McCloskey, Mr. McEwen, Mr. McKinney, Mr. Mikva, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Obey, Mr. Pepper, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rodino, and Mr. Roncalio); H.R. 4222, introduced by Mr. Gude (for himself, Mr. Biaggi, Mr. Gallagher, Mr. Griffin, Mr. Hammer-schmidt, Mr. Ruppe, Mr. Seiberling, Mr. Steele, Mr. Symington, Mr. Tiernan, Mr. Vander Jagt, Mr. Williams, and Mr. Young of Florida); H.R. 4633, introduced by Mr. Wolff; H.R. 4814, introduced by Mr. Broyhill of North Carolina; H.R. 5256, introduced by Mr. Patman; H.R. 5339, introduced by Mr. Baring; H.R. 5476, introduced by Mr. O'Hara; H.R. 5684, introduced by Mr. Gude (for himself, Mr. Alexander, Mr. Badillo, Mr. Boland, Mr. Caffery, Mr. Collier, Mr. Dellums, Mr. Hogan, Mr. Duncan, Mr. William D. Ford, Mr. Gibbons, Mr. Gubser, Mr. St Germain, Mr. Johnson of Wisconsin, Mr. Whalen, Mr. Whitehurst, Mr. Wiggins, and Mr. Yatron); H.R. 5750, introduced by Mr. Gude (for himself, Mr. Johnson of Pennsylvania, and Mr. McClory); H.R. 6524, introduced by Mr. Foley; H.R. 6552, introduced by Mr. Moorhead; H.R. 7225, introduced by Mr. Howard; H.R. 7890, intro-

duced by Mr. Long of Maryland; H.R. 7953, introduced by Mr. Ashbrook; H.R. 8009, introduced by Mr. Michel; H.R. 8041, introduced by Mr. Hechler of West Virginia; H.R. 8158, introduced by Mr. Nix; H.R. 8260, introduced by Mr. Roe; H.R. 8271, introduced by Mr. Broomfield; H.R. 8277, introduced by Mr. Fascell; H.R. 8448, introduced by Mr. Thompson of Georgia; H.R. 8761, introduced by Mr. Wydler; and H.R. 9099, introduced by Mr. Pettis.

BACKGROUND

At the turn of the century there were an estimated 2 million wild free-roaming horses living on the lands of the Western States. Today the Bureau of Land Management and the Forest Service have estimated there are 17,000 plus wild horses, but of this 17,000, about 7,500 are either branded or claimed. This leaves an estimated 9,000-10,000 unclaimed free-roaming horses on the public lands. The estimate for burros was placed at about 10,000. They are located mainly in Arizona and California. Other witnesses placed varying estimates on the number of these animals. However, regardless of the estimates given, one thing is clear. The number of these animals, and of wild horses in particular, is much less than it was a few years ago and that number is rapidly decreasing. Therefore, unless some action is taken to give them greater protection, they will gradually be eliminated and lost as a part of the American West.

Much has been written regarding the origin of the wild horses in America. While the horse as we know it today was introduced by the Spaniards, few of the wild horses today look much like the Barb and Andalusian that strayed from Spanish settlements in the 16th and 17th centuries. While some may be direct descendants of these animals and show their characteristics, others due to time and mixed breeding do not. Offspring of the former may be mustangs, but others are undoubtedly the descendants of horses that either strayed from ranches or were turned loose by their owners to fend for themselves upon the public lands. These latter animals may properly be termed feral. However, whatever their origin, and whatever their size, appearance, and beauty or lack of beauty, they are of great emotional and considerable scientific interest to a large number of people.

The present measure is not the first attempt by Congress to give protection to these animals. In 1959 Congress passed Public Law 86-243. This bill, commonly known as the "Wild Horse Annie Act" was enacted September 8, 1959, and amended chapter 3 of title 18, United States Code, to prohibit the use of aircraft and motor vehicles to hunt these animals on lands belonging to the United States. Although its objectives were meritorious, in actual practice, for a variety of reasons, this act was largely ineffective and did not provide the protection needed. While the use of aircraft and motorized equipment may have decreased, the wild horses and burros continued to be harassed, hunted, and killed by other means, and their numbers continued to decrease.

At the present time wild horses and burros have little or no protection. They are not classified as wild game and so protected by State laws; they are not on the Department of the Interior's endangered species list; they are not claimed by the Federal Government; and, in

the past, they have not been looked upon with favor by either Federal land administrators or by private land owners. They consume valuable forage that could more profitably be used by domestic livestock and wild game. As a result of this lack of "status," the numbers of these wild horses and burros continue to decrease, and in many areas they have been pushed back into the least desirable and most unproductive remaining areas. Only their hardiness and adaptability to a hostile environment have enabled them to survive. However, if they are to continue to survive as living symbols of the historic and pioneer spirit of the West, they must be afforded more adequate protection as there is a limit to their ability to overcome both human and environmental hostility.

While both the public and private attitude is now changing in regard to the value and need to protect these animals, there are still too many examples of abuse, mistreatment, and commercialization. Although it can be argued that there is little difference in processing a wild horse or burro than a domesticated one, or a cow, into dog and cat food, it is clear that the treatment the wild ones receive in the gathering and shipping operation is almost always much more inhumane and abusive than that received by their domestic counterparts. For this reason alone the processing of wild horses and burros into pet food should be eliminated.

DISCUSSION OF THE BILL

The need for additional protection of wild horses and burros has been recognized for some time. As previously indicated, Congress passed legislation in this field in 1959. More recently the Department of the Interior, in cooperation with the U.S. Air Force and the Nevada Fish and Game Commission, established a wild horse range in Nevada. It also designated some 32,000 acres of land on the Montana-Wyoming border as the Pryor Mountain Wild Horse Range. While these two efforts of the Department are commendable and a step in the right direction, it is the firm conviction of the committee that protective legislative action is required if these animals are to survive. After careful consideration of numerous proposals and extensive testimony from witnesses representing all viewpoints, it is the committee's considered opinion that H.R. 9890, which is a clean bill incorporating all amendments adopted by the committee, will give to the remaining wild horses and burros the protection necessary for their continued existence on the public lands of the United States.

One of the objectives of the committee is to assure that wild horses and burros will be considered an integral part of the life community on the public lands and that they will be protected and preserved in their natural habitat without undue interference and without unnecessary confinement. The bill therefore does not provide for the establishment of any specific number of ranges. While the committee did not entirely foreclose the establishment of ranges, primarily due to the existence of the two already established by the Department, it is of the opinion that the confinement of these animals to such ranges, except in unusual circumstances, should be discouraged. The basic objective of this legislation is to provide for the protection of these animals from

man, and not the establishment of ranges. Reliance on ranges would defeat the purpose of the legislation—the survival of bands of wild free-roaming horses and burros—and substitute instead a “zoolike” concept. These animals should be considered as an integral part of the total life community using the public lands and not as an isolated segment. Further, the committee wishes to emphasize that while it recognizes the need for sound management practices for wild horses and burros, as well as for other wildlife and domestic livestock using the public lands, it is strongly of the opinion that these management practices should be kept to a minimum and that programs of improved breeding, branding, lip tattooing, and other intensive management practices are not in the best interests of the survival of these animals in a truly wild state. If given adequate protection from harassment and slaughter by man, wild horses and burros have demonstrated unusual ability to survive. Future management practices should emphasize protection rather than intensive management.

While opposing intensive management practices for wild horses and burros, the committee recognizes and emphasizes that they should not, in certain management practices, be considered any differently from other species more normally considered as “wildlife.” Therefore, in those unusual situations where there may be direct competition between increasing numbers of wild horses or burros and other wildlife, or domestic livestock, normal and accepted management practices would be expected to prevail and a reduction in the total numbers of all species may be necessary to maintain a thriving natural ecological balance. This is consistent with the committee’s basic concept that wild horses and burros should be considered as components of the public lands coequal with wildlife and domestic livestock. However, the recognition of the need to reduce numbers of animals in an area is not to be considered as a license for the indiscriminate slaughter or removal of wild horses or burros and any reduction in numbers should only be taken after careful consideration of all alternatives and after consultation with all interested agencies and individuals.

During the consideration of this legislation, the committee found that one of the most difficult problems was a means of determining what was a wild free-roaming horse or burro. While relatively easy to define, that is, “all unbranded and unclaimed horses or burros on public lands,” this does not, of course, make actual field identification of a specific animal either positive or easy. Many privately owned animals are unbranded, and merely because of this lack of visible markings the ownership of such animals should not be placed in doubt. In recognition of this problem, the bill provides that any person asserting ownership of a horse or burro on the public lands shall do so in accordance with the branding and estray laws of the State in which it is found. This permits full play of State laws regarding any question of ownership.

To simplify administration, H.R. 9890 provides for the appointment of a Joint Advisory Board to advise and consult with the Secretaries of Agriculture and the Interior on the management and protection of wild horses and burros on all significant aspects of the proposal such as the selection or designation of ranges.

The penalty provisions provide for a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both, for a violation of any provision of the bill or a regulation issued pursuant to it. In addition, designated employees of the two Departments may arrest persons violating, in their presence, provisions of the proposal.

COST

The Department of Interior witnesses, while testifying before the committee, estimated that the cost of establishing each "range" would approximate \$3 million with an additional annual expenditure of \$300,000 for administration, management, and development. The committee does not approve of expenditures of this magnitude, and does not favor the establishment of ranges or other intensive developments or management practices. Costs should be limited primarily to protective measures, and should not substantially increase present management expenditures on the public lands being administered under the concept of multiple use. The bill does not authorize any additional appropriations.

DEPARTMENTAL REPORTS

The reports of the Departments of Agriculture and Interior follow :

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 16, 1971.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has requested the comments of this Department on H.R. 795, H.R. 3567, H.R. 4220, H.R. 4221, H.R. 4222, H.R. 4633, H.R. 4814, H.R. 5256, H.R. 5339, H.R. 5375, H.R. 5476, H.R. 5684, H.R. 5750, H.R. 6524, and H.R. 6552, similar bills concerned with the protection, management and control of free-roaming horses and burros on public lands.

We recommend enactment of the enclosed draft bill in lieu of those above-mentioned.

H.R. 795, H.R. 3567, H.R. 5256, and H.R. 5339 are identical bills which would establish as a policy of the Congress a commitment to the protection, as a national heritage, of free-roaming horses and burros. Section 2 defines "free-roaming horses and burros" as all unbranded horses on public lands administered through the Bureau of Land Management except those to which private owners can establish title. Section 3 would give to the Secretary of the Interior exclusive jurisdiction for the purpose of managing and protecting free-roaming horses and burros under the act, and provides authority for the establishment and beneficial maintenance of ranges for those burros and horses deemed to be "susceptible and worthy of protection as a national heritage." The Secretary is authorized further, in sections 4 and 5, to enter into cooperative agreements, to issue such regulations as he deems necessary, and to appoint an advisory board consisting of not more than seven members with "special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or

natural resource management." Section 6 provides penalties for violations of the regulations issued pursuant to the act and specifies that the same penalties shall be imposed against anyone who processes or permits to be processed into commercial products the whole or any part of a free-roaming horse or burro, whether or not lawfully acquired. Penalties would also be assessed, under section 7, against "(A)ny person who allows a domestic horse to run with, or takes possession of, or molests, free-roaming horses or burros * * *."

H.R. 4220, H.R. 4221, H.R. 4222, H.R. 4814, H.R. 5476, H.R. 5684, H.R. 5750, and H.R. 6552 are identical bills. They are similar to H.R. 795, et al., but contain different provisions relative to commingling of horses and unauthorized grazing.

H.R. 4633 is also generally similar to H.R. 795. Section 2 of H.R. 4633 defines free-roaming horses as "all unbranded horses and burros on public lands * * *", whereas the definition in H.R. 795 is limited to those animals which are "on public lands administered by the Secretary through the Bureau of Land Management * * *." Unlike H.R. 795, H.R. 4633 does not give to the Secretary authority to dispose of those animals which are in excess of available habitat. Section 4(b) of H.R. 4633 would direct the Secretary to "consult with, and seek the assistance of the Secretary of Agriculture concerning" those animals which are "found on public lands administered by the Secretary of Agriculture." H.R. 795 makes no such provision. Finally, H.R. 4633 provides that if any of the protected animals wander onto privately owned land, the owner of such land may inform a Federal official, who "shall arrange with the agents of the Secretary to have the animals removed." Further, the private landowner is prohibited from disposing of, or harassing such animals.

H.R. 5375 requires the protection, management, and control of wild free-roaming horses and burros on public lands, consistent with the National Environmental Policy Act (Public Law 91-190). It declares that the animals are fast disappearing from the American scene, and must be protected as a "national heritage species." H.R. 5375 is generally similar to the other bills herein discussed, in that it would provide for the establishment of protective ranges under auspices of the Secretary. It is significantly different with respect to the number and management of such ranges. While H.R. 5375 provides that a minimum of 12 ranges be established by the Secretary, the other bills would not fix any such minimum number. H.R. 5375 provides that the Secretary shall manage the "ranges, other public lands, and the bands of wild free-roaming horses and burros thereon" to achieve an "ecological balance among fauna and flora on the range." Other bills would require management of the ranges and the bands to achieve an ecological balance, but do not impose a like requirement as to "other public lands."

H.R. 6524 is similar to H.R. 5375 except in certain particulars. H.R. 6524 provides that these animals are not to be sold for rodeo or commercial purposes, H.R. 5375 makes no such provision. H.R. 6524 requires that individuals who maintain such animals on private lands must so notify an agent of the Secretary. H.R. 5375 disaffirms this requirement. H.R. 6524 makes no mention of a penalty for allowing a domestic horse to run with the protected animals, whereas H.R. 5375

does so. Finally, H.R. 6524 provides a \$2,000 penalty for violation of the provisions of the act, whereas H.R. 5375 provides a fine of \$1,000.

This Department has long been concerned with the protection of wild horses and burros. As part of a continuing program, we have (1) cooperated with the U.S. Air Force and the Nevada Fish and Game Commission to establish a wild horse range in Nevada; (2) designated as the Pryor Mountain Wild Horse Range in 1968 approximately 32,000 acres of public lands on the Montana-Wyoming border, and assigned to the Bureau of Land Management responsibility for the management of wild horses within the range; and (3) appointed a seven-member advisory committee on wild horses to make recommendations of management practices on the Pryor Mountain Range.

As the Pryor Mountain Advisory Committee has concluded, present conditions require the management of wild horses to assure the survival of floundering herds. Early bands of wild horses were able to thrive under natural conditions. They could migrate over long distances in search of food, water, and shelter. Predators and other natural controls helped keep numbers in balance with the environment by cutting out weaker members of the population, and helped to assure the survival of sound animals. However, confinement caused by development of the West has changed the environmental patterns of these animals. Without freedom to move away from deteriorating habitats, natural processes have operated to deter the survival of a thriving population. We believe that a comprehensive wild horse and burro management program can no longer be deferred. Consistent with sound management practice, no such program should be undertaken that does not (1) provide for the protection and preservation of healthy animals and (2) help to maintain a viable balance between the numbers of animals protected and the continued availability of suitable habitat. The number of nonpermitted free-roaming horses, found mainly in Nevada, Oregon, and Wyoming, has remained relatively stable at 17,000. Of this total, it is estimated that 7,500 are branded or probably will be claimed by private owners, leaving about 9,500 unclaimed free-roaming horses. However, the number of unclaimed free-roaming burros, now at 10,000, has continued to grow in the areas of Arizona and California where they are most often found. Our responsibility for management of wildlife on the public lands requires that we give consideration to the needs of all species, including some now threatened with extinction.

We submit herewith and recommend enactment of a draft bill to meet the management needs described above. Our proposal would authorize the establishment and administration of five ranges on public lands for the protection of free-roaming horses and burros. The Secretary would be authorized by section 4 to select public lands for the establishment of ranges upon which horses and burros can thrive in harmony with the environment, and to place thereon such free-roaming horses and burros as are worthy of protection as a national heritage. He would be able to reduce the populations of these animals on public lands, but only in a humane manner and without recourse to sale of these animals for use in rodeos or in the preparation of a commercial product. Section 7 would authorize the Secretary to appoint one or more advisory boards to assist in the establishment and admin-

istration of ranges. There would be authorized an appropriation of such sums as may be necessary for the establishment of five ranges and related facilities, plus such other amounts as may be necessary for their continued administration. Our draft also provides penalties for those offenses prescribed by sections 10-12.

Our proposed bill would provide the authority needed to afford prompt protection for free-roaming horses and burros, while assuring flexibility as to number of ranges and development of optimum management practices. It should be remembered, in this connection, that actual management experience is limited. As there are areas suited for use as range which do not now sustain bands of horses and burros, we do not concur in the requirement of H.R. 5375 that no ranges be established in areas not now inhabited by horses and burros.

Our reconnaissance inventories indicate the feasibility of establishing five ranges in areas where horses or burros can thrive in harmony with the environment. These ranges, we anticipate, can be established with a minimum of disruption in the amount of authorized domestic livestock use although it would probably require some transfers of such use to nearby range lands. The average cost of establishing a range and related facilities will vary from location to location, depending upon size of the range to be established, development costs, and differences in the level of maintenance required. It will be necessary, of course, to evaluate estimated expenditures in terms of other program requirements of the Department.

This Department recommends the enactment of its draft bill to initiate a sound program for the protection, management, and control of free-roaming horses and burros. Such a program has been recommended to us by the Pryor Mountain Advisory Committee, and statutory protection has been recommended by the Public Land Law Review Commission. In addition, the legislatures of Nevada and Oregon have petitioned Congress for legislation to authorize Federal management of these animals. But most important, the enactment of this legislation would affirm for millions of interested citizens our commitment to the preservation of a significant national heritage.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Secretary of the Interior.

A BILL To provide for the establishment and administration of ranges on public lands for free-roaming horses and burros

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Horse and Burro Range Act of 1971.

SEC. 2. It is the sense of the Congress that free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and it is the policy of the Congress that bands of free-roaming horses and burros shall be protected as a national heritage.

SEC. 3. As used in this Act, (a) "Secretary" shall mean the Secretary of the Interior; (b) "free-roaming horses and burros" shall mean all

unbranded horses and burros on public lands administered by the Secretary; (c) "range" shall mean an area of public lands identified by the Secretary for the protection and management of free-roaming horses and burros; (d) "public lands" shall mean any lands administered by the Secretary through the Bureau of Land Management.

SEC. 4. (a) The Secretary is hereby authorized to establish and to maintain ranges on public lands as sanctuaries for the protection, preservation, and public enjoyment of free-roaming horses and burros he deems worthy and capable of protection as a national heritage under the terms of this Act. For such ranges the Secretary shall select areas which he find will provide a habitat on which such horses and burros can thrive in harmony with the environment. He is authorized by humane methods of capture to place on such ranges free-roaming horses and burros worthy of protection as a national heritage but which are located on public lands outside of ranges established under this Act.

(b) The Secretary shall manage such ranges and the free-roaming horses and burros thereon in such a way as to achieve and maintain a thriving wild, ecological balance among fauna and flora on the range.

(c) The Secretary may reduce the population of free-roaming horses and burros on the public lands in any humane manner he deems feasible. However, he shall not sell any free-roaming horse or burro for use in rodeos or the preparation of a commercial product.

SEC. 5. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies in carrying out the provisions of this Act.

SEC. 6. The Secretary may issue such regulations as he deems necessary for the purposes of this Act.

SEC. 7. The Secretary is authorized to appoint one or more advisory boards to assist him in the establishment and administration of ranges under this Act. He shall select as advisers persons who are not employees of the Federal Government and whom he deems to have special knowledge about care and protection of horses and burros, management of wildlife, animal husbandry, or natural resources management which is of particular value in the establishment and administration of such ranges. Members of the board shall be reimbursed at a rate not to exceed \$50 per diem in addition to actual travel expenses when engaged in the actual performance of duties vested in the board.

SEC. 8. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise lands and interests in lands within the boundaries of any range established pursuant to this Act which he finds useful to carry out the purposes of this Act. When acquiring property by exchange he may accept title to any non-Federal property within the boundaries of a range and in exchange therefor he may convey to the grantor any federally owned property under his jurisdiction in the same State which he classifies as suitable for exchange or other disposal. The values of the properties exchanged shall be approximately equal in value. If they are not, the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any lands acquired by the Secretary in accordance with the provisions of this Act shall become public domain lands but shall be

closed to appropriation under the public land laws, including the mining and mineral leasing laws, until opened to such activity by the Secretary.

SEC. 9. (a) There is hereby authorized to be appropriated such sums as may be necessary for the establishment of five ranges and related facilities pursuant to this Act.

(b) There are hereby authorized to be appropriated such amounts as may be necessary to administer ranges established pursuant to this Act and to perform all other functions necessary to carry out this Act.

SEC. 10. Any one who—

- (a) harasses or molests on the public lands, or
- (b) removes from the public lands, or
- (c) willfully entices or induces to leave the public lands any free-roaming horse or burro, shall be punished by a fine of not more than \$500, or imprisonment for not more than six months, or both.

SEC. 11. Any person who willfully causes, permits or encourages any horse or burro to enter upon the public lands and run at large thereon without authorization of the Secretary shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

SEC. 12. Any person who—

- (a) harms, maims or kills any free-roaming horse or burro on the public lands, or
- (b) removes from the public lands or willfully entices or induces to leave the public lands and free-roaming horse or burro for the purpose of harming, maiming or killing any such animal or for the purpose of causing or permitting the capture and sale of any such animal or for the purpose of causing or permitting the processing of any such animal in whole or in part into any commercial product, shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

SEC. 13. The provisions of sections 10, 11, and 12 of this Act shall not apply to any Federal, State or local official in the performance of his official duties.

SEC. 14. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act or of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 19, 1971.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: This is a voluntary report by this Department on H.R. 795, H.R. 3567, H.R. 4220, H.R. 4221, H.R. 4222, H.R. 4633, H.R. 5256, H.R. 5332, H.R. 5476, H.R. 5684, and H.R. 5750, bills

to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands, and H.R. 5375 and H.R. 6524, bills to require the protection, management, and control of wild free-roaming horses and burros on public lands.

H.R. 795, H.R. 3567, H.R. 4220, H.R. 4221, H.R. 4222, H.R. 5256, H.R. 5339, H.R. 5476, H.R. 5684, and H.R. 5750 would provide for special management and protection of free-roaming horses and burros on lands administered by the Secretary of the Interior through the Bureau of Land Management. These bills would not apply directly to Federal lands under jurisdiction of this Department so we defer to the Department of the Interior for recommendations as to the need for such legislation.

H.R. 4633 would provide for special management and protection of free-roaming horses and burros on all public lands by the Secretary of the Interior—consulting with, and seeking the assistance of the Secretary of Agriculture when the horses and burros are found on public lands administered by him.

H.R. 5375 and H.R. 6524 would grant jurisdiction to the Secretary of the Interior—with the cooperation of and in conjunction with the Secretary of Agriculture when lands under his jurisdiction are involved and where it may be necessary to use veterinarians or other personnel of the Department of Agriculture—for the management and protection of all wild free-roaming horses and burros on public lands. He would be directed to establish and maintain a minimum of 12 sanctuaries for their preservation on ranges where such animals currently live.

As many as 10,000 head of unauthorized horses and burros (those not grazing under permit) are estimated to range on western national forest lands. They consist of both branded and unbranded animals turned out by ranchers and their unbranded offspring, so not all would meet the "free-roaming" definition of the bills. However, the authorities now available to the Secretary of Agriculture are adequate for the management of these animals in a manner consistent with the objectives of the bills.

Careful management of these animals is essential for several reasons. The well-being of the animals themselves is important, but the watershed, range, wildlife, and other resources must be fully considered when land management decisions are made. Much of the range where horses and burros are now found is marginal and can support only very limited use. If horse and burro populations increase other animals will have to be reduced. This should not be allowed to occur where relatively scarce animals such as the desert bighorn is involved. Other areas could be reviewed on a case-by-case basis, but the land administering agency and appropriate State Fish and Game Department should be deeply involved in designating areas and planning management for the wild horses and burros.

When horses and burros become too numerous they are particularly destructive of their range. Any management system would need some realistic provisions for herd reduction to prevent an overpopulated condition from occurring. Live capture and sale for recreation purposes of such animals is extremely difficult and would not be adequate for herd reduction.

The provisions for per diem payment and actual travel expenses for Advisory Board members in H.R. 4633, H.R. 5375, and H.R. 6524 would seem to be inconsistent with other congressionally authorized advisory groups such as those for the Appalachian National Scenic Trail and the Pacific Crest National Scenic Trail which were established by Public Law 90-543.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

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The history of the United States is a story of the struggle for freedom and justice for all. It is a story of the brave men and women who have fought for the principles of liberty and equality. It is a story of the triumph of the human spirit over adversity and oppression. It is a story of the power of love and compassion to bring about change in the world.

It is a story that continues to inspire and guide us today. It is a story that reminds us of our responsibility to each other and to the world. It is a story that gives us hope for the future.

Let us remember the lessons of our history and strive to make a better world for all.

With love and respect,
[Signature]

[Address]

[City, State, Zip]

[Phone Number]

[Email Address]

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